

الْبَابُ الْحَادِي عَشَرَ

الْأَحْكَامُ الْمَأْخُودَةُ مِنْ أَحْكَامِ أَهْلِ الذِّمَّةِ

لِابْنِ الْقَيِّمِ

CHAPTER ELEVEN

EXTRACTS FROM IBN AL-QAYYIM'S  
A KĀM AHL AL-DHIMMA

The preceding chapters of the book have expressly demonstrated in the light of proofs from the Quran, books on hadith, exegesis, jurisprudence and beliefs what commands Islam has issued to establish pleasant and peaceful relations with the non-Muslims. Ibn al-Qayyim, the honourable disciple of Ibn Taymiyya, has written a voluminous book titled *Aḥkām Ahl al-Dhimma* that has taken a detailed account of commands with regard to relations with non-Muslims. In view of the significance and utility of the book, the important rulings about non-Muslims have been reproduced here for our readers.

## II.I ENTRANCE OF NON-MUSLIMS IN THE SACRED MOSQUE

Describing his point of view about non-Muslims entering the mosque, Ibn al-Qayyim writes:

إِنْ دَخَلُوهَا بِإِذْنِ مُسْلِمٍ فَفِيهِ قَوْلَانِ لِلْفُقَهَاءِ، هُمَا رَوَايَتَانِ عَنْ أَحْمَدَ.

Regarding the case where non-Muslim citizens enter the Precincts of the Sacred Mosque with the permission of a Muslim, the jurists have two opinions, both of which are reported positions from [Imam] Aḥmad.

### II.I.I FIRST REPORT

وَوَجْهُ الْجَوَازِ أَنَّ رَسُولَ اللَّهِ ﷺ أَنْزَلَ الْوُفُودَ مِنَ الْكُفَّارِ فِي مَسْجِدِهِ، فَأَنْزَلَ فِيهِ وَفْدَ نَجْرَانَ وَوَفْدَ ثَقِيفٍ وَغَيْرَهُمْ.

The angle by which it is judged permissible is the fact that the Messenger of Allah ﷺ received delegations of disbelievers inside his mosque. He received the delegation of Najrān and Thaqīf and others.<sup>1</sup>

<sup>1</sup> •Ibn al-Qayyim, *Aḥkām ahl al-Dhimma*, 1:406.

It is reported by Aḥmad b. anbal and Abū Dāwūd from ʿUthmān b. Abī al-ʿĀṣ:

إِنَّ وَفْدَ ثَقِيفٍ قَدِمُوا عَلَى رَسُولِ اللَّهِ ﷺ فَأَنْزَلَ لَهُمُ الْمَسْجِدَ.

“The delegation of Thaqīf went to see Allah’s Messenger ﷺ, and he hosted them in the mosque.”<sup>1</sup>

Reported by Aḥmad and Abū Dāwūd, and its sources are reliable.

ʿAbd al-Razzāq has narrated on the authority of Ibn Jurayj:

أَنْزَلَ النَّبِيُّ ﷺ وَفْدَ ثَقِيفٍ فِي الْمَسْجِدِ، وَبَنَى لَهُمْ فِيهِ الْخِيَامَ، يَرَوْنَ النَّاسَ حِينَ يُصَلُّونَ وَيَسْمَعُونَ الْقُرْآنَ.

“The Prophet ﷺ received the delegation of Thaqīf inside the mosque and pitched a tent for them inside of it. They would see the people as they came for prayer and would hear them recite the Qurʾān.”<sup>2</sup>

Reported by ʿAbd al-Razzāq.

According to al-Bayhaqī, Ibn Saʿd and Ibn al-Qayyim, Muḥammad b. Jaʿfar said:

لَمَّا قَدِمَ وَفْدُ نَجْرَانَ عَلَى رَسُولِ اللَّهِ ﷺ دَخَلُوا عَلَيْهِ مَسْجِدَهُ بَعْدَ الْعَصْرِ.

“When the Najrān delegation came to see Allah’s Messenger ﷺ, they entered in upon him in his mosque after the late

<sup>1</sup> Set forth by •Aḥmad b. anbal in *al-Musnad*, 4:218 §17942. •Abū Dāwūd in *al-Sunan*, *Kitāb al-kharāj wa al-imāra wa al-fayʾ* [The Book of Land Tax, Leadership, and War Spoils Captured without Fighting], chapter: “What has been Reported about Tāʾif,” 3:163 §3026. •al-Ṭabarānī in *al-Muʿjam al-Kabīr*, 9:54 §8372. •al-Bayhaqī in *al-Sunan al-kubrā*, 2:444 §4131. •Ibn Khuzayma in *al-Ṣaḥīḥ*, 2:285 §1328. The narrators of the above hadith are authentic.

<sup>2</sup> Narrated by •ʿAbd al-Razzāq in *al-Muṣannaʿ*, 1:414 §1622.



noon [ʿAṣr] prayer.”<sup>1</sup>

Reported by al-Bayhaqī.

Ibn al-Qayyim states about Najrān delegation's stay in the Prophetic mosque:

وَقَدْ مَكَّنَ النَّبِيُّ ﷺ وَفَدَ نَصَارَى نَجْرَانَ مِنْ صَلَاتِهِمْ فِي مَسْجِدِهِ إِلَى قِبْلَتِهِمْ.

“The Prophet ﷺ enabled the Christian delegation of Najrān to offer their prayers and face their direction of prayer [qibla] in his mosque.”<sup>2</sup>

## 11.1.2 SECOND REPORT

قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ: كَانَ أَبُو سُفْيَانَ يَدْخُلُ مَسْجِدَ الْمَدِينَةِ وَهُوَ عَلَى شِرْكِهِ.

Saʿīd b. al-Musayyib said: “Abū Sufyān would enter the mosque of Medina during his time as an idolater.”<sup>3</sup>

When, before the conquest of Mecca, the idolaters of Mecca supported Banū Bakr against Banū Khuzāʿah, the Udaybiya Treaty between the believers and the idolaters became void. To revive this peace treaty, Abū Sufyān (who had not yet embraced faith) came to the Prophet ﷺ in Medina and entered the Mosque. Ibn Hishām furnishes its details:

فَقَامَ أَبُو سُفْيَانَ فِي الْمَسْجِدِ، فَقَالَ: أَيُّهَا النَّاسُ، إِنِّي قَدْ أُجِرْتُ بَيْنَ

<sup>1</sup> Narrated by •al-Bayhaqī in *Dalāʾil al-Nubuwwa*, 5:382. •Ibn Saʿd in *al-Ṭabaqāt al-kubrā*, 1:357. •Ibn al-Qayyim in *Zād al-maʿād*, 3:629. •al-Dhahabī in *Tārīkh al-Islām*, 2:695.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 2:822.

<sup>3</sup> Ibid, 1:406.

النَّاسِ. ثُمَّ رَكِبَ بَعِيرَهُ فَأَنْطَلَقَ.

There, he stood up and said: 'I have received a guarantee of protection among the people!' Then he mounted his camel and departed."<sup>1</sup>

### II.1.3 THIRD REPORT

وَقَدِمَ عُمَيْرُ بْنُ وَهَبٍ - وَهُوَ مُشْرِكٌ - فَدَخَلَ الْمَسْجِدَ وَالنَّبِيَّ ﷺ فِيهِ،  
لِيَفْتِكَ بِهِ، فَرَزَقَهُ اللَّهُ تَعَالَى الْإِسْلَامَ.

‘Umayr b. Wahb—who at the time was an idolater—arrived in Medina and entered the mosque while the Prophet ﷺ was inside in order to assassinate him, but Allah blessed him with Islam.<sup>2</sup>

The books on history and *sīra* have expanded upon the entrance of ‘Umayr b. Wahb who was yet an idolater. His son, Wahb b. ‘Umayr was a prisoner of the battle of Badr and he came to Medina to seek his freedom while the Prophet ﷺ was inside the Mosque. When ‘Umar stopped him, the Prophet ﷺ said: “‘Umar! Leave him”, and said to him: “‘Umayr! Get closer.” ‘Umayr b. Wahb then professed Islam. Al-Ṭabarānī has narrated it in *al-Mu‘jam al-kabīr*. Ibn al-Athīr, Ibn Kathīr and other books on history have related this incident in detail.<sup>3</sup>

Concluding the discussion, Ibn al-Qayyim describes the reason of non-Muslims’ entrance in the Prophetic Mosque:

وَأَمَّا دُخُولُ الْكُفَّارِ مَسْجِدَ النَّبِيِّ ﷺ فَكَانَ ذَلِكَ لِمَا كَانَ بِالْمُسْلِمِينَ  
حَاجَةً إِلَى ذَلِكَ، وَلَا تَهْمُ كَانُوا يُحَاطِيُونَ النَّبِيَّ ﷺ فِي عُهْدِهِمْ، وَيُؤَدُّونَ

<sup>1</sup> •Ibn Hishām, *al-Sīra al-Nabawiyya*, 5:49–51. •Ibn Kathīr, *al-Bidāya wa al-nihāya*, 4:280. •al- alabī, *al-Sīra al- alabiyya*, 3:6–8.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:406.

<sup>3</sup> Narrated by •al-Ṭabarānī in *al-Mu‘jam al-kabīr*, 17:58 §118. •Ibn al-Athīr in *al-Kāmil fī al-tārīkh*, 2:30–31. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:313–314. •al-Haythamī in *Majma‘ al-zawā‘id*, 8:284–285.



إِلَيْهِ الرِّسَائِلَ، وَيَحْمِلُونَ مِنْهُ الْأَجُوبَةَ وَيَسْمَعُونَ مِنْهُ الدَّعْوَةَ، وَلَمْ يَكُنِ النَّبِيُّ ﷺ لِيَخْرُجَ مِنَ الْمَسْجِدِ لِكُلِّ مَنْ قَصَدَهُ مِنَ الْكُفَّارِ، فَكَانَتْ الْمَصْلَحَةُ فِي دُخُولِهِمْ.

As for disbelievers entering the Prophet's mosque ﷺ, such was done when the Muslims were in need of that, and was also because those disbelievers [who entered it] were addressing the Prophet ﷺ in their peace treaties and delivering official messages as emissaries and bringing back [his replies], and were also hearing his invitation [to Islam]. The Prophet ﷺ did not make it his habit to go out of the mosque to meet with those disbelievers who came to see him, and thus their entering the mosque to see him was a Shariah countenanced benefit.<sup>1</sup>

## 11.2 VISITING THE NON-MUSLIMS WHEN THEY ARE SICK

The non-Muslims should be visited when they fall sick out of human sentiments. Ibn al-Qayyim has narrated different reports and incidents in this regard, which are described here in detail.

١. قَالَ الْمَرْوَزِيُّ: بَلَغَنِي أَنَّ أَبَا عَبْدِ اللَّهِ سُئِلَ عَنْ رَجُلٍ لَهُ قَرَابَةٌ نَصْرَانِيٌّ يَعُودُهُ؟ قَالَ: نَعَمْ.

1. Al-Marwadhī said: "It has reached me that Abū 'Abd Allāh [Imam Aḥmad b. anbal] was asked about a man who had close relatives who were Christian and if he should visit them when they are ill. He replied: 'Yes.'"

٢. قَالَ الْأَثْرَمُ: وَسَمِعْتُ أَبَا عَبْدِ اللَّهِ يُسْأَلُ عَنِ الرَّجُلِ لَهُ قَرَابَةٌ نَصْرَانِيٌّ يَعُودُهُ؟ قَالَ: نَعَمْ، فَيَلِ لَهُ: نَصْرَانِيٌّ. قَالَ: أَرْجُو أَلَّا تَضِيقَ الْعِيَادَةُ.

2. Al-Athram said: "I heard Abū 'Abd Allāh being asked

<sup>1</sup> Narrated by •al-Ṭabarānī in *al-Mu'jam al-kabīr*, 17:58 §118. •Ibn Kathīr in *al-Bidāya wa al-nihāya*, 3:313–314. •Ibn al-Athīr in *al-Kāmil fī al-tārīkh*, 2:30–31. •al-Haythamī in *Majma' al-zawā'id*, 8:284–285.

about a man who had close relatives who were Christian, and whether he should visit them when they are ill. He replied: 'Yes.' It was asked: '[Should they be visited] even though they are Christians?' and he said: 'Hopefully, visits to the sick are not constrictive as such.'"

٣. قَالَ الْأَثْرَمُ: وَقُلْتُ لَهُ مَرَّةً أُخْرَى يَعُودُ الرَّجُلُ الْيَهُودَ وَالنَّصَارَى؟  
قَالَ: أَلَيْسَ عَادَ النَّبِيُّ ﷺ الْيَهُودِيَّ وَدَعَاهُ إِلَى الْإِسْلَامِ؟

3. Al-Athram also said: "On another occasion I asked him if a person is allowed to visit a sick Jew or a Christian, and he replied: 'Did the Prophet ﷺ not visit a Jewish man and call him to Islam?'"<sup>1</sup>

٤. قَالَ أَبُو مَسْعُودٍ الْأَصْبَهَانِيُّ: سَأَلْتُ أَحْمَدَ بْنَ حَنْبَلٍ عَنْ عِيَادَةِ الْفَرَابَةِ  
وَالْجَارِ النَّصْرَانِيِّ. قَالَ: نَعَمْ.

4. Abū Mas'ūd al-Aṣbahānī said: "I asked Aḥmad b. anbal if it was allowed to visit a close relative and neighbour who was Christian, and he replied: 'Yes.'"<sup>2</sup>

٥. وَتَبَّتْ عَنِ النَّبِيِّ ﷺ أَنَّهُ عَادَ عَبْدَ اللَّهِ بْنَ أَبِي ابْنِ سَلُولٍ رَأْسَ  
الْمُنَافِقِينَ.

5. It is recorded that the Prophet ﷺ visited 'Abd Allāh b. Ubayy b. Salūl, the chief of the hypocrites, when the latter was ill.<sup>3</sup>

After these reports from Ibn al-Qayyim, it seems worthwhile to

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 212 §597. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:427.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 212 §598. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:427.

<sup>3</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:430.



mention a few hadiths on the subject.

1. Narrated from Anas b. Mālik رضي الله عنه in *Ṣaḥīḥ al-Bukhārī*, *Musnad Aḥmad* and *Sunan Abī Dāwūd*, the Prophet ﷺ said:

كَانَ غُلَامٌ يَهُودِيٌّ يَخْدُمُ النَّبِيَّ ﷺ فَمَرِضَ، فَأَتَاهُ النَّبِيُّ ﷺ يَعُودُهُ، فَقَعَدَ عِنْدَ رَأْسِهِ، فَقَالَ لَهُ: أَسْلِمَ. فَنَظَرَ إِلَى أَبِيهِ وَهُوَ عِنْدَهُ، فَقَالَ لَهُ: أَطْعَمَ أَبَا الْقَاسِمِ ﷺ. فَأَسْلَمَ، فَخَرَجَ النَّبِيُّ ﷺ وَهُوَ يَقُولُ: الْحَمْدُ لِلَّهِ الَّذِي أَنْقَذَهُ مِنَ النَّارِ.

It is reported that Anas رضي الله عنه said: "There was a young Jewish boy who used to serve the Prophet ﷺ. When he fell ill, the Prophet went to visit him. He sat by his side and said to him: 'Embrace Islam.' Then, the boy looked at his father, who was by his side, and his father said to him: 'Obey Abū al-Qāsim [the Prophet ﷺ],' and so the boy embraced Islam. As the Prophet ﷺ left, he said: 'All praise is due to Allah who delivered him from Hellfire!'"<sup>1</sup>

In another narration of this report, from Aḥmad and Abū Dāwūd, it is mentioned:

فَخَرَجَ النَّبِيُّ ﷺ وَهُوَ يَقُولُ: الْحَمْدُ لِلَّهِ الَّذِي أَنْقَذَهُ بِي مِنَ النَّارِ.

"As the Prophet ﷺ left he said: 'All praise is due to Allah who, through me, delivered him from Hellfire!'"<sup>2</sup>

2. According to *Musnad Aḥmad* and *Sunan Abī Dāwūd*, Usāma b. Zayd رضي الله عنه narrates:

<sup>1</sup> Narrated by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-janāza* [The Book of the Funeral Prayer], chapter: "When a Young Boy Embraces Islam and Dies, should He be Prayed over, and should He be Invited to Islam?" 1:455 §1290, and also in *al-Adab al-mufrad*, 1:185 §524. •Abū Ya'la in *al-Musnad*, 6:93 §3350. •al-Bayhaqī in *al-Sunan al-kubrā*, 3:383 §6389.

<sup>2</sup> Narrated by •Aḥmad b. anbal in *al-Musnad*, 3:280 §§14009, 14010. •Abū Dāwūd in *al-Sunan: Kitāb al-janā'iz* [The Book of Funeral Rites], chapter: "On Visiting a Non-Muslim Citizen," 3:185 §3095.



خَرَجَ رَسُولُ اللَّهِ ﷺ يَعُودُ عَبْدَ اللَّهِ بْنَ أَبِي فِي مَرَضِهِ الَّذِي مَاتَ فِيهِ.

“The Prophet ﷺ went out to visit ‘Abd Allāh b. Ubayy when the latter was in the throes of his sickness of which he was to die.”<sup>1</sup>

Reported by Aḥmad, Abū Dāwūd (the wording is his), and al- ākim. Al- ākim said: “This is an authentic tradition in conformity with the stipulation of al-Bukhārī and Muslim.”

### II.3 ATTENDING THE FUNERALS OF NON-MUSLIMS

The funerals of the People of the Book or idolaters can be attended for condolence. Ibn al-Qayyim serves in detail different episodes as evidence.

١. قَالَ مُحَمَّدُ بْنُ مُوسَى: قُلْتُ لِأَبِي عَبْدِ اللَّهِ: يُشِيعُ الْمُسْلِمُ جِنَازَةَ الْمُشْرِكِ؟ قَالَ: نَعَمْ.

1. Muḥammad b. Mūsā said: “I asked Abū ‘Abd Allāh [Imam Aḥmad]: ‘Can a Muslim follow the funeral procession of an idolater?’ He said: ‘Yes.’”<sup>2</sup>

٢. وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ بْنِ هَارُونَ: قِيلَ لِأَبِي عَبْدِ اللَّهِ: وَيَشْهَدُ جِنَازَتَهُ؟ قَالَ: نَعَمْ، نَحْوُ مَا صَنَعَ الْحَارِثُ بْنُ أَبِي رَبِيعَةَ؛ كَانَ شَهِيدَ جِنَازَةِ أُمِّهِ.

2. Muḥammad b. al- āsan b. Hārūn said: “Abū ‘Abd Allāh [Imam Aḥmad] was asked: ‘May one attend his [the

<sup>1</sup> Narrated by •Aḥmad b. anbal in *al-Musnad*, 5:201 §21806. •Abū Dāwūd in *al-Sunan: Kitāb al-janā'iz* [The Book of Funeral Rites], chapter: “On Visiting the Sick,” 3:184 §3094. •al- ākim in *al-Mustadrak*, 1:491 §1262. •al-Ṭabarānī in *al-Muʿjam al-kabīr*, 1:163 §390. •al-Maqdisī in *al-Aḥādīth al-mukhtāra*, 4:117 §1328. The narrators of this chain of transmission are all reliable.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 218 §619. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:432.

idolater's] funeral?' He replied: 'Yes, that is what al- āarith b. Abī Rabī'a did when he attended his mother's funeral.'"<sup>1</sup>

٣. قَالَ أَبُو طَالِبٍ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الرَّجُلِ يَمُوتُ وَهُوَ يَهُودِيٌّ، وَلَهُ وَلَدٌ مُسْلِمٌ كَيْفَ يَصْنَعُ؟ قَالَ: يَرْكَبُ دَابَّتَهُ وَيَسِيرُ أَمَامَ الْجِنَازَةِ.

3. Abū Ṭālib said: "I asked Abū 'Abd Allah [Imam Aḥmad] about what one should do if a Jewish man dies and he has a son who is Muslim. He replied: 'He should mount his animal and lead the funeral procession.'"<sup>2</sup>

٤. عَنْ عَامِرِ بْنِ شَقِيقٍ، عَنْ أَبِي وَائِلٍ، قَالَ: مَاتَتْ أُمِّي نَصْرَانِيَّةً، فَأَتَيْتُ عُمَرَ فَسَأَلْتُهُ، فَقَالَ: ارْكَبْ فِي جِنَازَتِهَا وَسِرْ أَمَامَهَا.

4. It is reported on the authority of 'Āmir b. Shaqīq, on the authority of Abū Wā'il, who said: "My mother, who was a Christian, died so I went to 'Umar and asked him about the matter. He said: 'Mount your animal, join her funeral procession and travel at the head of it.'"<sup>3</sup>

٥. قَالَ الْخَلَّالُ: عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ عَنْ أَبِيهِ، قَالَ: جَاءَ قَيْسُ بْنُ شَسَّاسٍ إِلَى النَّبِيِّ ﷺ، فَقَالَ: إِنَّ أُمَّهُ تُوفِّيتُ وَهِيَ نَصْرَانِيَّةٌ، وَهُوَ يُحِبُّ أَنْ يَخْضَرَهَا. فَقَالَ لَهُ النَّبِيُّ ﷺ: ارْكَبْ دَابَّتَكَ وَسِرْ أَمَامَهَا.

5. Al-Khallāl said: "It is reported on the authority of 'Abd Allah b. Ka'b b. Mālik, on the authority of his father, who said: 'Qays b. Shammās went to the Prophet ﷺ and informed

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 218 §620. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:432.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 218 §621. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:433.

<sup>3</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 218 §622. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:433.

him that his mother, who was a Christian, had died, and that he wished to attend her funeral. The Prophet ﷺ said to him: "Mount your animal and travel at the head of the procession."<sup>1</sup>

٦. وَقَالَ حَنْبَلٌ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْمُسْلِمِ تَمُوتُ لَهُ أُمٌّ نَصْرَانِيَّةٌ أَوْ أَبُوهُ أَوْ أَخُوهُ أَوْ دُو قَرَابَتِهِ، وَتَرَى أَنْ يَلِيَ شَيْئًا مِنْ أَمْرِهِ حَتَّى يُوَارِيَهُ؟ قَالَ: إِنْ كَانَ أَبَا أَوْ أُمًّا أَوْ أَخَا أَوْ قَرَابَةً قَرِيبَةً وَحَضَرَهُ فَلَا بَأْسَ.

6. anbal said: "I asked Abū 'Abd Allah [Imam Aḥmad] about a Muslim whose mother, father, brother, or other close relative dies as a Christian. He replied: 'If it is a father or mother or brother or close relative, then there is no harm if he attends the funeral.'<sup>2</sup>

٧. إِنَّ عَبْدَ اللَّهِ بْنَ رَبِيعَةَ قَالَ لِعَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: إِنَّ أُمَّي مَاتَتْ، وَقَدْ عَلِمْتُ الَّذِي كَانَتْ عَلَيْهِ مِنَ النَّصْرَانِيَّةِ. قَالَ: أَحْسِنْ وَلَا يَتَهَا، وَكَفَّنْهَا، وَلَا تَقُمْ عَلَى قَبْرِهَا.

7. 'Abd Allāh b. Rabī'a said to 'Abd Allāh b. 'Umar رَضِيَ اللَّهُ عَنْهُمَا: "My mother has died and, as you know, she was a Christian." 'Abd Allāh b. 'Umar said: "Take care of what she has entrusted to you and shroud her—but do not stand at her grave."<sup>3</sup>

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 219 §623. •al-Dāraqutnī in *al-Sunan: Kitāb al-janā'iz* [The Book of Funeral Rites], chapter: "On Placing the Right Hand over the Left Hand and Raising the Hands During the Opening *Takbīr*," 2:75 §6. •al-Zayla'ī in *Naṣb al-rāya*, 2:292. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:434.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 219 §624. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:435.

<sup>3</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 219 §624. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:436.



٨. عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ رضي الله عنه عَنْ رَجُلٍ مَاتَ أَبُوهُ نَصْرَانِيًّا. قَالَ: يَشْهَدُهُ وَيُدْفَنُهُ.

8. It is related on the authority of Sa'īd b. Jubayr that he said: "I asked Ibn 'Abbās رضي الله عنه about a man whose father dies as a Christian. He replied: 'He should attend his funeral and bury him.'"<sup>1</sup>

## II.4 GIVING CONDOLENCES TO NON-MUSLIMS

Islam permits to offer condolence to the dependents of the deceased People of the Book and share their pain and grief. Ibn al-Qayyim serves some arguments as proofs.

١. عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَرَدْتَ أَنْ تُعْزِّيَ رَجُلًا مِنْ أَهْلِ الْكِتَابِ فَقُلْ: أَكْثَرَ اللَّهُ مَالَكَ وَوَلَدَكَ وَأَطَالَ حَيَاتَكَ أَوْ عُمْرَكَ.

1. It is related on the authority of Manṣūr b. Ibrāhīm: "When you want to express your condolences to a person from the People of the Book, say: 'May Allah increase your wealth and offspring and lengthen your life.'"<sup>2</sup>

٢. قَالَ الْحَسَنُ: إِذَا عَزَّيْتَ الذَّمِّيَّ، فَقُلْ: لَا يُصِيبُكَ إِلَّا خَيْرٌ.

2. Al-Hasan said: "When you offer your condolences to a non-Muslim citizen, say: 'May you be touched by naught save goodness.'"<sup>3</sup>

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 220 §628. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:437.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 224 §636. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:438-439.

<sup>3</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 224 §638. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:439.

## 11.5 THE SLAUGHTERED ANIMALS OF THE PEOPLE OF THE BOOK

Ibn al-Qayyim related some arguments in this regard:

قَالَ تَعَالَى: ﴿وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلٌّ لَكُمْ وَطَعَامُكُمْ حَلٌّ لَهُمْ﴾ [المائدة، ٥:٥].

Allah Most High says:

﴿And the food of those who were given the Scripture is permissible for you, and your food is permissible for them.﴾<sup>1</sup>

وَلَمْ يَخْتَلِفِ السَّلَفُ أَنَّ الْمُرَادَ بِذَلِكَ الذَّبَائِحُ.

The early forebears (*salaf*) were in unanimous agreement that this [verse] pertains to the slaughtered animals of the People of the Book.<sup>2</sup>

Then Ibn al-Qayyim presents different quotes:

١. قَالَ الْبُخَارِيُّ: قَالَ ابْنُ عَبَّاسٍ: طَعَامُهُمْ ذَبَائِحُهُمْ.

1. Al-Bukhārī said: "Ibn 'Abbās said: 'Their food here refers to their slaughtered animals.'"<sup>3</sup>

٢. وَكَذَلِكَ قَالَ ابْنُ مَسْعُودٍ وَمُجَاهِدٌ وَإِبْرَاهِيمُ وَقَتَادَةُ وَالْحَسَنُ وَغَيْرُهُمْ.

2. This was also the position of Ibn Mas'ūd, Mujāhid, Ibrāhīm, Qatāda, al- asan and others.<sup>4</sup>

<sup>1</sup> Qur'ān, 5:5.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:502.

<sup>3</sup> Narrated by •al-Bukhārī in *al-Ṣaḥīḥ*, *Kitāb al-dhabā'iḥ wa al-ṣayd* [The Book of Slaughtered Animals and Hunting], chapter: "The Slaughtered Animals and Fat of the People of the Book and the People of War, and Others," 5:2097. •al-Bayhaqī in *al-Sunan al-kubrā*, 9:282 §18934. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:502.

<sup>4</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:502.

٣. وَقَالَ أَحْمَدُ بْنُ الْحَسَنِ التِّرْمِذِيُّ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ ذَبَائِحِ أَهْلِ الْكِتَابِ؛ فَقَالَ: لَا بَأْسَ بِهَا.

3. Aḥmad b. al-ḥasan al-Tirmidhī said: “I asked Abū ‘Abd Allāh [Imam Aḥmad] about the slaughtered animals of the People of the Book, and he replied: ‘There is no harm in them.’”<sup>1</sup>

٤. وَقَالَ حَنْبَلٌ: سَمِعْتُ أَبَا عَبْدِ اللَّهِ يَقُولُ: تُوْكَلُ ذَبِيحَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ.

4. Ḥanbal said: “I heard Abū ‘Abd Allāh [Imam Aḥmad] say: ‘The meat slaughtered by a Jew or a Christian may be eaten.’”<sup>2</sup>

٥. وَقَالَ إِسْحَاقُ بْنُ مَنْصُورٍ: قَالَ أَبُو عَبْدِ اللَّهِ: لَا بَأْسَ أَنْ يَذْبَحَ أَهْلُ الْكِتَابِ لِلْمُسْلِمِينَ غَيْرَ النَّسِيكَةِ.

5. Ishāq b. Manṣūr said: “Abū ‘Abd Allāh [Imam Aḥmad] said: ‘There is no harm in someone from the People of the Book slaughtering an animal for the Muslims, so long as it is not a specific ritual offering [done in the name of ‘Isa ʿ].’”<sup>3</sup>

٦. وَقَالَ حَنْبَلٌ: سَمِعْتُ أَبَا عَبْدِ اللَّهِ قَالَ: لَا بَأْسَ بِذَبِيحَةِ أَهْلِ الْكِتَابِ إِذَا أَهْلُوا اللَّهَ وَسَمَّوْا عَلَيْهِ، قَالَ تَعَالَى: ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكُرْ اسْمُ اللَّهِ عَلَيْهِ﴾ [الأنعام، ١٢١: ٦]، وَالْمُسْلِمُ فِي قَلْبِهِ اسْمُ اللَّهِ، وَمَا أَهْلٌ لِعَبْرِ اللَّهِ بِهِ مِمَّا ذَبَحُوا الْكَنَائِسِهِمْ وَأَعْيَادِهِمْ يُجْتَنَبُ ذَلِكَ، وَأَهْلُ الْكِتَابِ

<sup>1</sup> Ibid., 1:503.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 362 §1007. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:503–504.

<sup>3</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 362 §1008. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1: 504.



يُسْمُونَ عَلَى ذَبَائِحِهِمْ أَحَبُّ إِلَيَّ.

6. anbal said: "I heard Abū 'Abd Allāh [Imam Aḥmad] say: 'There is no harm in [eating from] the meat slaughtered by the People of the Book if they slaughter it for Allah's sake and in His Name. Allah Most High says: *'And do not eat of that over which Allah's Name has not been pronounced.'*"<sup>1</sup> The Name of Allah is ever in the heart of the Muslims. The meat that they [the Christians] slaughter for other than Allah, such as for their churches and festivals, should be avoided. It is more beloved to me that the People of the Book pronounce Allah's Name as they slaughter their animals."<sup>2</sup>

٧. وَقَالَ مُهَنَّأ بْنُ يَحْيَى: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ ذَبَائِحِ السَّامِرَةِ. قَالَ: تُوَكَّلْ، هُمْ مِنْ أَهْلِ الْكِتَابِ.

7. Muḥannā b. Yaḥyā said: "I asked Abū 'Abd Allāh [Imam Aḥmad] about the meat of the Samaritans and he said: 'It may be eaten since they are from the People of the Book.'"<sup>3</sup>

٨. قَالَ عَبْدُ اللَّهِ بْنُ أَحْمَدَ: قَالَ أَبِي: لَا بَأْسَ بِذَبَائِحِ أَهْلِ الْحَرْبِ إِذَا كَانُوا مِنْ أَهْلِ الْكِتَابِ.

8. 'Abd Allāh, the son of Imam Aḥmad, said: "My father said: 'There is no harm in eating the meat of those with whom we are at war, so long as they are from the People of the Book.'"<sup>4</sup>

<sup>1</sup> Qur'ān 6:121.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, pp. 362–363 §1009. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:504–505.

<sup>3</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, pp. 364 §1016. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:505.

<sup>4</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, pp. 365–366 §1018. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:505.

٩. قَالَ ابْنُ الْمُنْذِرِ: أَجْمَعَ عَلَى هَذَا كُلُّ مَنْ يُحْفَظُ عَنْهُ مِنْ أَهْلِ الْعِلْمِ.

9. Ibn al-Mundhir said: "All of the scholars whose positions are recorded agree with this."<sup>1</sup>

Presenting the preceding quotes about the slaughtered animals of the People of the Book, Ibn al-Qayyim writes:

وَأَمَّا قَوْلُهُمْ: إِنَّ التَّسْمِيَةَ شَرْطٌ فِي الْحِلِّ، فَلَعَمْرُ اللَّهِ! إِنَّهَا لَشَرْطٌ بِكِتَابِ اللَّهِ وَسُنَّةِ رَسُولِهِ ﷺ، وَأَهْلُ الْكِتَابِ وَغَيْرُهُمْ فِيهَا سَوَاءٌ، فَلَا يُؤْكَلُ مَتْرُوكُ التَّسْمِيَةِ سَوَاءً ذَبَحَهُ مُسْلِمٌ أَوْ كِتَابِيٌّ، لِبُضْعَةِ عَشَرَ دَلِيلًا.

As for their [the scholars'] judgment that the pronouncement of Allah's Name is a condition for the meat to be lawful, then by Allah it is the truth, for it is established as a condition in the Book of Allah and the Sunna of His Messenger—and the People of the Book and others share in this condition, since the meat over which Allah's Name has not been pronounced should not be eaten, whether it was killed by a Muslim or someone from the People of the Book. This is established through over ten legal proofs.<sup>2</sup>

## II.5.1 RULINGS ABOUT MEAT ARE THE SAME FOR THE PEOPLE OF TREATY AND PEOPLE AT WAR

Advancing the argument, Ibn al-Qayyim, loud and clear, states that rulings about meat are the same for the People of Treaty and People at War; that ruling about the People of the Book at war or in truce is the same. He states:

إِذَا ثَبَتَ هَذَا فَلَا فَرْقَ بَيْنَ الْحَرْبِيِّ وَالْمُعَاهِدِ لِدُخُولِهِمْ جَمِيعًا فِي أَهْلِ الْكِتَابِ.

Thus, with respect to the rulings of slaughtered animals,

<sup>1</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:505.

<sup>2</sup> Ibid., 1:510.

there is no difference between the non-Muslim with whom we have a treaty of peace and the non-Muslim with whom we are at war, as both are subsumed under the term the "People of the Book."<sup>1</sup>

### 11.5.2 ISSUES PERTAINING TO THE ANIMALS' MEAT OF THE PEOPLE OF THE BOOK

Ibn al-Qayyim elaborates the issues pertaining to the meat of the slaughtered animals of the People of the Book. He writes:

فَأَمَّا الْمَسْأَلَةُ الْأُولَى: فَمَنْ أَبَاحَ مَتْرُوكَ التَّسْمِيَةِ إِذَا ذَبَحَهُ الْمُسْلِمُ، اخْتَلَفُوا: هَلْ يُبَاحُ إِذَا ذَبَحَهُ الْكِتَابِيُّ؟ فَقَالَتْ طَائِفَةٌ: يُبَاحُ، لِأَنَّ التَّسْمِيَةَ إِذَا لَمْ تَكُنْ شَرْطًا فِي ذَبِيحَةِ الْمُسْلِمِ لَمْ تَكُنْ شَرْطًا فِي ذَبِيحَةِ الْكِتَابِيِّ. وَقَالَتْ طَائِفَةٌ: لَا يُبَاحُ وَإِنْ أُبِيحَ مِنَ الْمُسْلِمِ، وَفَرَّقُوا بَيْنَهُمَا بِأَنَّ اسْمَ اللَّهِ فِي قَلْبِ الْمُسْلِمِ وَإِنْ تَرَكَ ذِكْرَهُ بِلِسَانِهِ، وَهَذَا مُقْتَضَى الْمَقُولِ عَنِ ابْنِ عَبَّاسٍ رضي الله عنه، وَهُوَ ظَاهِرُ نَصِّ أَحَدٍ. فَإِنَّ أَحَدًا قَالَ فِي رِوَايَةِ حَنْبَلٍ: لَا بَأْسَ بِذَبِيحَةِ أَهْلِ الْكِتَابِ إِذَا أَهْلُوا بِهَا لِلَّهِ وَسَمَّوْا عَلَيْهَا. قَالَ تَعَالَى: ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ﴾ [الأنعام، ١٢١/٦]، وَالْمُسْلِمُ فِي قَلْبِهِ اسْمُ اللَّهِ، فَقَدْ خَرَجَ بِالْفَرْقِ كَمَا تَرَى.

THE FOREMOST ISSUE: As for those who allowed [eating from] an animal slaughtered by a Muslim but over which Allah's Name was not pronounced, they disagreed if it is allowed if the same is done by someone from the People of the Book.

One group of scholars maintained that it is allowed since they reasoned, if it is not a condition for eating an animal slaughtered by a Muslim, it is not a condition for eating meat slaughtered by someone from the People of the Book, either.

<sup>1</sup> Ibid., 1:513.



Another group maintained that it is not allowed, even if it is allowed when coming from a Muslim. They distinguished between the two by saying that the Name of Allah is always in the heart of the Muslim, even if he omits it with his tongue [at the time of slaughter]. This view corresponds to what is transmitted on the authority of Ibn ‘Abbās رضي الله عنه, and it is the most apparent view of Aḥmad [b. anbal], for he said in the narration of anbal: “There is no harm in [eating from] the meat slaughtered by the People of the Book if they slaughter it for Allah’s sake and in His Name. Allah Most High says: *‘And do not eat of that over which Allah’s Name has not been pronounced.’*”<sup>1</sup> The Name of Allah is ever in the heart of the Muslim.”<sup>2</sup> So as you can see, Imam Aḥmad resolved the difference between the two standpoints.<sup>3</sup>

الْمَسْأَلَةُ الثَّانِيَّةُ: قَالَ الْمَيْمُونِيُّ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَمَّنْ يَذْبَحُ مِنْ أَهْلِ الْكِتَابِ وَلَمْ يُسَمِّ؟ فَقَالَ: إِنْ كَانَ مِمَّا يَذْبَحُونَ لِكِنَائِسِهِمْ يَدْعُونَ التَّسْمِيَةَ فِيهِ عَلَى عَمْدٍ، إِنَّمَا يَذْبَحُ لِلْمَسِيحِ فَقَدْ كَرِهَهُ ابْنُ عُمَرَ رضي الله عنه، إِلَّا أَنَّ أَبَا الدَّرْدَاءِ رضي الله عنه يَتَأَوَّلُ أَنَّ طَعَامَهُمْ حَلٌّ، وَأَكْثَرُ مَا رَأَيْتُ مِنْهُ الْكَرَاهِيَةَ لِأَكْلِ مَا ذُبِحَ لِكِنَائِسِهِمْ.

THE SECOND ISSUE: Al-Maymūnī said: “I asked Abū ‘Abd Allāh [Imam Aḥmad] about someone from the People of the Book who slaughtered an animal and failed to mention Allah’s Name over it. He replied: ‘If he is of those who slaughter animals for their churches and purposely omits Allah’s Name during the time of slaughter, then in reality he is only slaughtering it in the name of the Messiah [Prophet ‘Isā عليه السلام]. Ibn ‘Umar found this reprehensible; however, Abū al-Dardā’ applied [a general] interpretation and argued that

<sup>1</sup> Qur’ān 6:121.

<sup>2</sup> Narrated by al-Khallāl in *Aḥkām ahl al-milal*, p. 362–363 §1009.

<sup>3</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:514.

their food is permissible. The most I have seen is that he found it detestable to eat of the meat that was slaughtered for their church services.”<sup>1</sup>

قَالَ الْمَيْمُونِيُّ أَيُّضًا: سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنْ ذَبِيحَةِ الْمَرْأَةِ مِنْ أَهْلِ الْكِتَابِ وَلَمْ تُسَمَّ، قَالَ: إِنْ كَانَتْ نَاسِيَةً فَلَا بَأْسَ، وَإِنْ كَانَ مِمَّا يَذْبَحُونَ لِكِنَائِسِهِمْ قَدْ يَدْعُونَ التَّسْمِيَةَ عَلَى عَمْدٍ.

Al-Maymūnī also said: “I asked Abū ‘Abd Allāh [Imam Aḥmad] about the meat slaughtered by a woman from the People of the Book, but who failed to mention Allah’s Name over it. He replied: ‘If she forgot to mention it then there is no harm, but if she is of those who slaughter for their church services, then there is a chance that she purposely omitted it.’”<sup>2</sup>

قَالَ فِي رِوَايَةِ ابْنِهِ عَبْدِ اللَّهِ: مَا ذُبِحَ لِلزُّهْرَةِ فَلَا يُعْجِبُنِي أَكْلُهُ، قِيلَ لَهُ: أَحْرَامُ أَكْلُهُ؟ قَالَ: لَا أَقُولُ حَرَامًا، وَلَكِنْ لَا يُعْجِبُنِي.

Imam Aḥmad said in a narration reported by his son, ‘Abd Allāh: “I disapprove of eating from the meat that is slaughtered for al-Zuhra.” He was asked: “Is it unlawful (*ḥarām*)?” He replied: “I am not saying that it is unlawful, however I disapprove of it.”<sup>3</sup>

قَالَ فِي رِوَايَةِ حَنْبَلٍ: يُحْتَنَبُ مَا ذُبِحَ لِكِنَائِسِهِمْ وَأَعْبَادِهِمْ.

Imam Aḥmad said in a narration reported by Ḥanbal: “The meat that is slaughtered for the sake of their church services

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 367 §1028. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:515.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 367 §1029. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:515–516.

<sup>3</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:516

and festivals should be avoided.”<sup>1</sup>

وَقَالَ أَبُو الْبَرَكَاتِ فِي 'مُحَرَّرِهِ': وَإِنْ ذَكَرُوا عَلَيْهِ اسْمَ غَيْرِ اللَّهِ فَفِيهِ رَوَاتَانِ  
مَنْصُوصَتَانِ، أَصَحُّهُمَا عِنْدِي تَحْرِيمُهُ.

Abū al-Barakāt said in *al-Muḥarrar*: “And if they mention other than Allah’s Name [over the animal at the time of slaughter], then there are two transmitted opinions concerning its ruling. The soundest of them in my view is that it is forbidden.”<sup>2</sup>

اِخْتَلَفَ النَّاسُ فِيمَا ذَبَحَ النَّصَارَى لِأَعْيَادِهِمْ أَوْ ذَبَحُوا بِاسْمِ الْمَسِيحِ،  
فَكَرِهَهُ قَوْمٌ لِأَنَّهُمْ أَخْلَصُوا الْكُفْرَ عِنْدَ تِلْكَ الذَّبِيحَةِ، فَصَارَتْ مِمَّا أَهْلُ  
بَيْتِ لَيْعِ اللَّهِ، وَرَخَّصَ فِي ذَلِكَ قَوْمٌ عَلَى الْأَصْلِ الَّذِي أُبِيحَ مِنْ ذَبَائِحِهِمْ.

People differ over [the ruling on] meat slaughtered by Christians for their religious festivals, or which they slaughter in the name of the Messiah. Some consider it reprehensible (*makrūh*) because they [the Christians] bring forth unmitigated disbelief (*kufr*) at the moment of slaughter, with the animal therefore becoming something slaughtered for other than Allah. Others, however, gave a dispensation and allowed eating this kind of meat on the verdict that allowed to eat their permissible slaughtered animals.<sup>3</sup>

فَأَمَّا مَنْ بَلَغَنَا عَنْهُ الرُّخْصَةُ فِي ذَلِكَ. فَحَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، ثَنَا عَبْدُ  
الرَّحْمَنِ بْنُ مَهْدِيٍّ، ثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ أَبِي الزَّاهِرِيَّةِ عَنْ عُمَيْرِ بْنِ

<sup>1</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, pp. 363–364 §1009. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:516.

<sup>2</sup> •Ibn Taymiyya, *al-Muḥarrar fī al-fiqh ‘alā madhab al-Imām Aḥmad b. anbal*, 2:192. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:516.

<sup>3</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:517.



الْأَسْوَدِ السُّكُونِيِّ. قَالَ: أَتَيْتُ أَهْلِي فَإِذَا كَيْفُ شَاةٍ مَطْبُوخَةٍ، قُلْتُ: مِنْ  
 أَيْنَ هَذَا؟ قَالُوا: جِيرَانُنَا مِنَ النَّصَارَى ذَبَحُوا كَبْشًا لِكَنِيسَةِ جِرْجِسَ،  
 قَلَدُوهُ عِمَامَةً وَتَلَقَّوْا دَمَهُ فِي طَسْتٍ، ثُمَّ طَبَخُوا وَأَهْدَوْا إِلَيْنَا وَإِلَى جِيرَانِنَا.  
 قَالَ: قُلْتُ: ارْفَعُوا هَذَا. ثُمَّ هَبَطْتُ إِلَى أَبِي الدَّرْدَاءِ فَسَأَلْتُهُ، وَذَكَرْتُ ذَلِكَ  
 لَهُ، فَقَالَ: اللَّهُمَّ، غُفْرًا، هُمْ أَهْلُ الْكِتَابِ؛ طَعَامُهُمْ لَنَا حِلٌّ وَطَعَامُنَا لَهُمْ  
 حِلٌّ.

As for those scholars from whom it has reached us that they permitted it, we have the following: ‘Alī b. ‘Abd Allāh narrated to us via ‘Abd al-Raḥmān b. Maḥdī › Mu‘āwiya b. Ṣāliḥ › Abū al-Zāhiriyya › on the authority of ‘Umayr b. al-Aswad al-Sukūnī who said: “I came home to my family and found that a shoulder of lamb had been cooked. I asked: ‘Where is this from?’ and one of my family members said: ‘Our Christian neighbour slaughtered a sheep for Church of [Saint] George. They wrapped it up and drained its blood into a bowl and then cooked it and gave it to us and our other neighbours as a gift.’ I said: ‘Hold on,’ and went to Abū al-Dardā and asked him about it. He said: ‘O Allah, forgive us! They are the People of the Book; their food is lawful for us, and our food is lawful for them!’”<sup>1</sup>

Imam al-Bukhārī writes in *al-Tārīkh al-kabīr*:

عَنْ جَرِيرِ بْنِ عُتْبَةَ - أَوْ عُتْبَةَ بْنِ جَرِيرٍ - قَالَ: سَأَلْتُ عُبَادَةَ بْنَ الصَّامِتِ  
 عَنْ ذَبَائِحِ النَّصَارَى لِمَوْتَاهُمْ. قَالَ: لَا بَأْسَ بِهِ.

It is reported on the authority of Jarīr b. ‘Utba—or ‘Utba b. Jarīr—that he said: “I asked ‘Ubāda b. al-Ṣāmit about the meat of the People of the Book that they slaughter when one

<sup>1</sup> •Ibn ‘Abd al-Barr, *al-Istidhkāri*, 5:258. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:517. The chain of this narration is rigorously authentic and its narrators are all reliable.

of them dies. He said: 'There is no harm in it.'<sup>1</sup>

عَنِ الْأَوْزَاعِيِّ عَنْ مَكْحُولٍ، فِيمَا ذَبَحَتِ النَّصَارَى لِأَعْيَادِ كَذَا. قَالَ: كُلُّهُ،  
قَدْ عَلِمَ اللَّهُ مَا يَقُولُونَ وَأَحَلَّ ذَبَائِحَهُمْ.

Al-Awzā'ī related on the authority of Makḥūl who said about the meat slaughtered by Christians for their religious celebrations: "Eat of it; Allah knows what they say [when they slaughter the animal] and [yet] he permitted their meat."<sup>2</sup>

### II.5.3 AN IMPORTANT POINT

وَالِإِلَى هَذَا ذَهَبَ الْفُقَهَاءُ الشَّامِيُّونَ مَكْحُولٌ وَالْقَاسِمُ بْنُ مُخَيْمِرَةَ وَعَبْدُ  
الرَّحْمَنِ بْنُ يَزِيدَ بْنِ جَابِرٍ وَسَعِيدُ بْنُ عَبْدِ الْعَزِيزِ وَالْأَوْزَاعِيُّ؛ وَقَالُوا:  
سَوَاءٌ سَمَّى النَّصْرَانِيُّ الْمَسِيحَ عَلَى ذَبِيحَتِهِ أَوْ سَمَّى جُرْجِسَ أَوْ ذَبَحَ  
لِعَبْدِهِ أَوْ لِكَنِيسَتِهِ كُلُّ ذَلِكَ حَلَالٌ لِأَنَّهُ كِتَابِيٌّ، ذَبَحَ بِدِينِهِ وَقَدْ أَحَلَّ اللَّهُ  
ذَبَائِحَهُمْ فِي كِتَابِهِ.

The aforementioned view is shared by the Levantine jurists: Makḥūl, al-Qāsim b. Mukhaymira, 'Abd al-Raḥmān b. Yazīd b. Jābir, Sa'īd b. 'Abd al-'Azīz and al-Awzā'ī. They opine that such meat is lawful even if a Christian slaughters it in the name of the Messiah, or in the name of [Saint] George, or slaughters it for their festival or church—all of it, they maintain, is lawful, because the one who slaughters it is from the People of the Book who killed it according to the dictates of his own religion, and Allah, in His Book [the Qur'ān], has

<sup>1</sup> Narrated by •al-Bukhārī in *al-Tārīkh al-kabīr*, 2:214 §2236. •Ibn 'Abd al-Barr in *al-Istidhkār*, 5:258. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:519.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:517. •al-Shātibī, *al-Muwāfaqāt*, 1:173–174. •al-Qurāfī in *al-Furūq*, 1:304. The narrators in this chain of transmission are all reliable.

declared their meat lawful for consumption.<sup>1</sup>

١. قَالَ الْإِمَامُ أَبُو بَكْرٍ الْكَاسَانِيُّ الْحَنْفِيُّ فِي 'بَدَائِعِ الصَّنَائِعِ': وَقَدْ رَوَى عَنْ سَيِّدِنَا عَلِيٍّ (ع) أَنَّهُ سُئِلَ عَنْ ذَبَائِحِ أَهْلِ الْكِتَابِ، وَهُمْ يَقُولُونَ مَا يَقُولُونَ. فَقَالَ (ع): قَدْ أَحَلَّ اللَّهُ ذَبَائِحَهُمْ وَهُوَ يَعْلَمُ بِمَا يَقُولُونَ. فَأَمَّا إِذَا سُمِعَ مِنْهُ أَنَّهُ سَمَّى الْمَسِيحَ (ع) وَحْدَهُ، أَوْ سَمَّى اللَّهَ (ع) وَسَمَّى الْمَسِيحَ، لَا تُؤْكَلُ ذَبِيحَتُهُ.

كَذَا رَوَى عَنْ سَيِّدِنَا عَلِيٍّ (ع) وَلَمْ يَرَوْ عَنْ غَيْرِهِ خِلَافُهُ، فَيَكُونُ إِجْمَاعًا.

1. Imam Abū Bakr al-Kāsānī al-anafī said in *Badā'ī al-ṣanā'ī*: "It is reported that our master 'Alī (ع) was asked about the slaughtered meat of the People of the Book who say what they say [slaughtering the animals in the name of 'Isā (ع)]. He replied: 'Allah permitted their meat knowing full well what they say [at the time of slaughter].'"

On the other hand, if a Muslim hears a Christian utter the Messiah's name alone [at the time of the slaughter], or hears him mention Allah's Name and the Messiah's name together, his meat should not be eaten. This is what has been reported by our master 'Alī, and nothing contrary to it has been reported, so it is a form of consensus on the issue.<sup>2</sup>

٢. عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ يَقُولُ: سَمِعْتُ الْقَاسِمَ بْنَ خُمَيْمَةَ، قَالَ: كُلُّهَا، وَلَوْ سَمِعْتُهُ يَقُولُ: عَلَى اسْمِ جَرَجِسَ لَاكُلْتُهَا.

2. It is reported that 'Abd al-Raḥmān b. Yazīd b. Jābir said: "I heard al-Qāsim b. Mukhaymira say: 'Eat of it [the meat of the People of the Book]; but if you hear him [the Christian] say "In the name of [Saint] George", do not eat from it.'" <sup>3</sup>

<sup>1</sup> •Ibn 'Abd al-Barr in *al-Istidhkār*, 5:258.

<sup>2</sup> •Al-Kāsānī, *Badā'ī al-ṣanā'ī fī tartīb al-sharā'ī*, 6:230.

<sup>3</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:520. •Ibn 'Abd al-Barr, *al-*



٣. عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نُفَيْرٍ عَنْ أَبِيهِ، قَالَ: كُلْهَا.

3. 'Abd al-Raḥmān b. Jubayr b. Nufayr, on the authority of his father [Jubayr b. Nufayr], said: "Eat of it."<sup>1</sup>

٤. وَبِهِ إِلَى أَبِي بَكْرٍ عَنْ حَبِيبِ بْنِ عُبَيْدٍ: أَنَّ الْعُرْبَاضَ بْنَ سَارِيَةَ قَالَ: كُلُّهُ.

4. It is also related from Abū Bakr on the authority of abīb b. 'Ubayd, who said that al-'Irbāḍ b. Sāriya said: "Eat of it."<sup>2</sup>

٥. عَنْ عَبْدِ الْمَلِكِ عَنْ عَطَاءٍ فِي النَّصْرَانِيِّ يَذْبَحُ وَيَذْكُرُ اسْمَ الْمَسِيحِ، قَالَ: كُلُّهُ، قَدْ أَحَلَّ اللَّهُ ذَبَائِحَهُمْ، وَقَدْ عَلِمَ مَا يَقُولُونَ.

5. Regarding a Christian who slaughters an animal in the name of the Messiah, it is reported on the authority of 'Abd al-Malik, on the authority of 'Aṭā' who said: "Eat of it; Allah permitted their meat knowing full well what they say."<sup>3</sup>

٦. ذَكَرَ عَنْ عَطَاءٍ أَيْضًا أَنَّهُ سُئِلَ عَنِ النَّصْرَانِيِّ يَذْبَحُ، وَيَقُولُ: بِاسْمِ الْمَسِيحِ. فَقَالَ: كُلْ.

6. It is also recorded that 'Aṭā' was asked about the meat of a Christian who slaughtered in the name of the Messiah. He said: "Eat of it."

٧. قَالَ إِبْرَاهِيمُ فِي الذَّمِّيِّ يَذْبَحُ وَيَقُولُ: بِاسْمِ الْمَسِيحِ. فَقَالَ: إِذَا تَوَارَى عَنْكَ فَكُلْ.

*Istidhkār*, 5:258. The chain of this narration is rigorously authentic and its narrators are all reliable.

<sup>1</sup> • Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:521.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. The narrators of this chain are all reliable.

7. On the same question, Ibrāhīm [al-Nakha'ī] said: "If he conceals it from you [uttering it inaudibly] then eat of it."

٨. وَقَالَ عَبْدُ اللَّهِ بْنُ وَهَبٍ: حَدَّثَنِي حَيَوَةُ بْنُ شُرَيْحٍ عَنْ عُقْبَةَ بْنِ مُسْلِمٍ التَّجِيبِيِّ وَقَيْسِ بْنِ رَافِعٍ الْأَشْجَعِيِّ أَنَّهُمَا قَالَا: حَلَّ لَنَا مَا يُذْبَحُ لِعِيدِ الْكِنَانِسِ، وَمَا أُهْدِيَ مِنْ خُبْزٍ أَوْ لَحْمٍ، وَإِنَّمَا هُوَ طَعَامُ أَهْلِ الْكِتَابِ.

8. 'Abd Allāh b. Wahb said: "aywat b. Shurayḥ narrated to me that 'Uqba b. Muslim al-Tujībī and Qays b. Rāfi' al-Ashja'ī both said: 'Permitted for us [to eat] are the meat and bread prepared for their Church festivals and given as gifts, for they are the food of the People of the Book.'"<sup>1</sup>

٩. وَقَالَ أَيُّوبُ بْنُ نَجِيحٍ: سَأَلْتُ الشَّعْبِيَّ عَنْ ذَبَائِحِ نَصَارَى الْعَرَبِ، فَقُلْتُ: مِنْهُمْ مَنْ يَذْكُرُ اللَّهَ، وَمِنْهُمْ مَنْ يَذْكُرُ الْمَسِيحَ، فَقَالَ: كُلُّ وَأَطْعَمْنِي.

9. Ayyūb b. Najīḥ said: "I asked al-Sha'bī about the meat slaughtered by the Christian Arabs and said: 'Some of them utter Allah's Name [at the time of slaughter] while others utter the Messiah's name.' He replied: 'Eat of it and feed me some!'"<sup>2</sup>

١٠. قَالَ الْقَاضِي إِسْمَاعِيلُ: وَأَمَّا مَنْ بَلَّغْنَا عَنْهُ أَنَّهُ كَرِهَ ذَلِكَ، فَحَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ، ثَنَا ابْنُ مَهْدِيٍّ عَنْ قَيْسٍ عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ زَادَانَ عَنْ عَلِيٍّ قَالَ: إِذَا سَمِعْتَ النَّصْرَانِيَّ يَقُولُ: بِاسْمِ الْمَسِيحِ فَلَا تَأْكُلْ وَإِذَا لَمْ تَسْمَعْ فَكُلْ، فَقَدْ أَحَلَّتْ لَنَا ذَبَائِحُهُمْ.

10. Al-Qāḍī Ismā'īl said: "As for those scholars from whom

<sup>1</sup> Ibid.

<sup>2</sup> Ibid., 1:523.

it has reached us that they disliked eating of their meat, we have the following: Muḥammad b. Abī Bakr narrated to us via Ibn Mahdī › Qays › Aṭā' b. al-Sā'ib › Zādhān on the authority of 'Alī, who said: 'If you hear a Christian say [at the time of slaughter]: "In the name of the Messiah," then do not eat [his meat], and if you do not hear him say that then eat of it, for their meat has been permitted for us.'"<sup>1</sup>

١١. وَقَالَ حَمَّادٌ: كُلْ مَا لَمْ تَسْمَعْهُمْ أَهْلُوا بِهِ لِغَيْرِ اللَّهِ.

11. ammad said: "Eat [their meat] so long as you do not hear them kill it in the name of other than Allah."<sup>2</sup>

١٢. وَكَرِهَهُ مُجَاهِدٌ وَطَاوُسٌ، وَكَرِهَهُ مَيْمُونُ بْنُ مِهْرَانَ. وَقَالَ الْقَاضِي إِسْمَاعِيلُ: وَكَانَ مَالِكٌ يَكْرَهُ ذَلِكَ مِنْ غَيْرِ أَنْ يُوجِبَ فِيهِ تَحْرِيمًا.

12. This was considered reprehensible (*makrūh*) by Mujāhid, Tāwūs, and Maymūn b. Mihrān. Al-Qāḍī Ismā'īl said: "Mālik would consider it detestable, but without declaring it unlawful."<sup>3</sup>

١٣. قَالَ الْمُسِيحُونَ: هَذَا مِنْ طَعَامِهِمْ، وَقَدْ أَبَاحَ اللَّهُ لَنَا طَعَامَهُمْ مِنْ غَيْرِ تَخْصِيسٍ، وَقَدْ عَلِمَ سُبْحَانَهُ أَنَّهُمْ يُسَمُّونَ غَيْرَ اسْمِهِ.

13. As for those who permitted it, they argued that such meat is "from their food," and that Allah has permitted us to eat their food without qualification (*takhṣīṣ*), even though He knew that they would slaughter their animals in other than His Name.<sup>4</sup>

<sup>1</sup> •Ibn 'Abd al-Barr, *al-Istidhkār*, 5:259. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:523-524.

<sup>2</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:525.

<sup>3</sup> •Ibn 'Abd al-Barr, *al-Istidhkār*, 5:259. •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:526.

<sup>4</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:526.



١٤. قَالَ الْمُحَرَّمُونَ: قَدْ صَرَحَ الْقُرْآنُ بِتَحْرِيمِ مَا أَهْلٌ بِهِ لِغَيْرِ اللَّهِ، وَهَذَا عَامٌّ فِي ذَبِيحَةِ الْوَتْنِيِّ وَالْكِتَابِيِّ إِذَا أَهْلٌ بِهَا لِغَيْرِ اللَّهِ، وَإِبَاحَةُ ذَبَائِحِهِمْ - وَإِنْ كَانَتْ مُطْلَقَةً - لَكِنَّهَا مُقَيَّدَةٌ بِمَا لَمْ يَهْلُوا بِهِ لِغَيْرِهِ، فَلَا يَجُوزُ تَعْطِيلُ الْمُقَيَّدِ وَالْغَاوِهُ بَلْ يُحْمَلُ الْمُطْلَقُ عَلَى الْمُقَيَّدِ.

14. As for those who declared it unlawful, they argued that the Qur'an expressly forbids eating of that which is slaughtered in other than Allah's Name. This, they maintain, is generally applicable to the idolater or the Christian or the Jew who slaughters an animal in other than Allah's Name. Though it is true that the allowance to eat their meat is open-ended, it is limited by the condition that it should not be slaughtered in other than Allah's Name. Therefore, it is not permitted to cancel out and void the restricted [and follow the unqualified text]; rather, the open-ended must be interpreted in the light of the restricted.<sup>1</sup>

#### II.6. THE PERMISSIBILITY OF MARRYING A WOMAN FROM THE PEOPLE OF THE BOOK

Let us evaluate Ibn al-Qayyim's standpoint about the permissibility of marrying a woman from the People of the Book. He opines:

وَيَجُوزُ نِكَاحُ الْكِتَابِيَّةِ بِنَصِّ الْقُرْآنِ، قَالَ تَعَالَى: ﴿وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أَوْتُوا الْكِتَابَ مِنْ قَبْلِكُمْ﴾ [المائدة، ٥ / ٥]، وَالْمُحْصَنَاتُ هُنَّ هُنَّ الْعَقَائِفُ، وَأَمَّا الْمُحْصَنَاتُ الْمُحَرَّمَاتُ فِي 'سُورَةِ النَّسَاءِ' فَهِنَّ الْمَرْوَجَاتُ.

وَقِيلَ: الْمُحْصَنَاتُ اللَّاتِي أُبْحِنَ هُنَّ الْحَرَائِرُ، وَلِهَذَا لَمْ تَحِلَّ إِمَاءُ أَهْلِ الْكِتَابِ، وَالصَّحِيحُ الْأَوَّلُ لَوْجُوهِ:

<sup>1</sup> Ibid.

أَحَدُهَا: أَنَّ الْحُرِّيَّةَ لَيْسَتْ شَرْطًا فِي نِكَاحِ الْمُسْلِمَةِ.

الثَّانِي: أَنَّهُ ذَكَرَ الْإِحْصَانَ فِي جَانِبِ الرَّجُلِ كَمَا ذَكَرَهُ فِي جَانِبِ الْمَرْأَةِ، فَقَالَ: ﴿إِذَا عَاتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ﴾ [المائدة، ٥/٥]، وَهَذَا إِحْصَانٌ عِفَّةً بِلَا شَكٍّ، فَكَذَلِكَ الْإِحْصَانُ الْمَذْكُورُ فِي جَانِبِ الْمَرْأَةِ.

الثَّلَاثُ: أَنَّهُ سُبْحَانَهُ ذَكَرَ الطَّيِّبَاتِ مِنَ الْمُطَاعِمِ، وَالطَّيِّبَاتِ مِنَ الْمَنَاقِحِ، فَقَالَ تَعَالَى: ﴿الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ﴾ [المائدة، ٥/٥].

By the explicit words of the Qur'ān, it is permissible to marry a woman from the People of the Book. Allah Most High says: *﴿And those chaste women from the believers and from those who were given the Scripture before you [are permitted for you to wed in marriage].﴾* [Q.5:5.] The word *﴿chaste﴾* here (*al-muḥṣanāt*) refers to those women who are unblemished. As for the *muḥṣanāt* mentioned in *sūra al-Nisā'* to whom marriage is forbidden, it refers to those who are already married.

It is also said that the *muḥṣanāt* are those free women to whom marriage is permitted, and that for this reason it is not allowed to marry the handmaidens among the People of the Book—but the soundest position is the former for a number of reasons.

Firstly, freedom is not a prerequisite to marry a Muslim woman.

Secondly, Allah mentions chastity (*iḥṣān*) with respect to both women and men, as He says: *﴿So when you give to them their reward [their dowry] in a chaste manner. ...﴾* [Q.5:5.] This is without doubt the chastity of temperance, and is coupled with the chastity that describes the woman.

Thirdly, Allah—Glorified and Exalted is He!—mentions

the fine and wholesome things of foods and the fine and wholesome of those who are taken in marriage, as He says: ﴿Today the fine and wholesome things are permitted to you, and the food of those who received the Scripture is permitted to you, and those chaste women from the believers and from those who were given the Scripture before you [are permitted for you to wed in marriage].﴾ [Q.5:5].<sup>1</sup>

وَالْمَقْصُودُ أَنَّ اللَّهَ سُبْحَانَهُ أَبَاحَ لَنَا الْمُحْصَنَاتِ مِنْ أَهْلِ الْكِتَابِ، وَفَعَلَهُ أَصْحَابُ نَبِيِّنَا ﷺ فَتَزَوَّجَ عُثْمَانُ نَصْرَانِيَّةً، وَتَزَوَّجَ طَلْحَةُ بْنُ عُبَيْدٍ اللَّهُ نَصْرَانِيَّةً، وَتَزَوَّجَ حُذَيْفَةُ يَهُودِيَّةً.

قَالَ عَبْدُ اللَّهِ بْنُ أَحْمَدَ: سَأَلْتُ أَبِي عَنِ الْمُسْلِمِ يَتَزَوَّجُ النَّصْرَانِيَّةَ، أَوْ الْيَهُودِيَّةَ؟ فَقَالَ: مَا أَحَبُّ أَنْ يَفْعَلَ ذَلِكَ، فَإِنْ فَعَلَ فَقَدْ فَعَلَ ذَلِكَ بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ.

What this means is that Allah—Glorified and Exalted is He!—has permitted for us to marry the chaste women from the People of the Book. This, furthermore, was the practice of the Prophet's Companions ﷺ: 'Uthmān married a Christian woman; Ṭalḥa married a Christian woman; and 'udhayfa married a Jewish woman. 'Abd Allah the son of Imam Aḥmad said: "I asked my father about a Muslim who marries a Christian or Jewish woman. He replied: 'I dislike that he does that; however, if he does it then [it suffices that] some of the Prophet's Companions ﷺ did it, too.'"<sup>2</sup>

وَقَدْ تَأَوَّلَتِ الشَّيْعَةُ الْآيَةَ عَلَى غَيْرِ تَأْوِيلِهَا، فَقَالُوا: الْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ مَنْ كَانَتْ مُسْلِمَةً فِي الْأَصْلِ، ﴿وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا

<sup>1</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 2:794.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, p. 159 §448. •Ibn al-Qayyim in *Aḥkām ahl al-dhimma*, 1:795.



الْكِتَابِ مِنْ قَبْلِكُمْ» [المائدة، ٥ / ٥] مَنْ كَانَتْ كِتَابِيَّةً، ثُمَّ أَسْلَمَتْ.  
 قَالُوا: وَحَمَلْنَا عَلَى هَذَا التَّأْوِيلِ قَوْلُهُ تَعَالَى: ﴿وَلَا تَنْكِحُوا الْمُشْرِكَاتِ  
 حَتَّى يُؤْمِنَ﴾ [البقرة، ٢ / ٢٢١]، وَأَيُّ شِرْكٍ أَعْظَمُ مِنْ قَوْلِهَا: «اللَّهُ تَالِثُ  
 ثَلَاثَةٍ؟ وَقَوْلُهُ تَعَالَى: ﴿وَلَا تُمَسِّكُوا بِعَصَمِ الْكُوفِرِ﴾ [المتحنة،  
 ١٠ / ٦٠]، وَأَجَابَ الْجُمْهُورُ بِجَوَابَيْنِ:

أَحَدُهُمَا: أَنَّ الْمُرَادَ بِالْمُشْرِكَاتِ الْوَثَنِيَّاتِ.

قَالُوا: وَأَهْلُ الْكِتَابِ لَا يَدْخُلُونَ فِي لَفْظِ (الْمُشْرِكِينَ) فِي كِتَابِ اللَّهِ  
 تَعَالَى. قَالَ تَعَالَى: ﴿لَمْ يَكُنِ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَالْمُشْرِكِينَ  
 مُنْفَكِّينَ﴾ [البينة، ٩٨ / ١]، وَقَالَ تَعَالَى: ﴿إِنَّ الَّذِينَ ءَامَنُوا وَالَّذِينَ هَادُوا  
 وَالصَّٰبِغِينَ وَالنَّصْرَىٰ وَالْمَجُوسَ وَالَّذِينَ أَشْرَكُوا﴾ [الحج، ٢٢ / ١٧].

وَكَذَلِكَ الْكُوفَرُ الْمَنْهِيُّ عَنِ التَّمَسُّكِ بِعَصَمَتِهِنَّ إِنَّمَا هُنَّ الْمُشْرِكَاتُ،  
 فَإِنَّ الْآيَةَ نَزَلَتْ فِي قِصَّةِ الْحُدَيْبِيَّةِ، وَلَمْ يَكُنْ لِلْمُسْلِمِينَ زَوَاجَاتٌ مِنْ  
 أَهْلِ الْكِتَابِ إِذْ ذَاكَ، وَغَايَةُ مَا فِي ذَاكَ التَّخْصِصُ، وَلَا يُحْدِثُ فِيهِ إِذَا دَلَّ  
 عَلَيْهِ دَلِيلٌ.

الْجَوَابُ الثَّانِي: جَوَابُ الْإِمَامِ أَحْمَدَ، قَالَ فِي رِوَايَةِ ابْنِهِ صَالِحٍ: قَالَ  
 اللَّهُ تَعَالَى: ﴿وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ﴾ [البقرة، ٢ / ٢٢١]،  
 وَقَالَ فِي سُورَةِ الْمَائِدَةِ، وَهِيَ آخِرُ مَا أُنْزِلَ مِنَ الْقُرْآنِ: ﴿وَالْمُحْصَنَاتُ  
 مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ﴾ [المائدة، ٥ / ٥].

The Shiites misinterpreted this Qur'anic verse and said that the chaste women among the believers are those who were born into Islam, and that the chaste women *from those who*

were given the Scripture before you<sup>1</sup> are those who were Christians or Jews that subsequently embraced Islam. They claim: "Our basis for this interpretation is the statement of Allah Most High '*And do not marry idolatresses until they believe.*'"<sup>2</sup> What idolatry is more heinous than their claim that Allah is 'the Third of Three' [the Trinitarian doctrine]? Allah also says: '*And do not maintain marriage bonds with disbelieving women.*'"<sup>3</sup>

The scholarly majority (*al-jamhūr*) have provided two answers to this argument:

1. The intended meaning of "idolatresses" in the verse are literally those who worship idols. Thus, they assert that the People of the Book are not included in the term "idolaters" in the Book of Allah Most High. Allah Most High says: "*Those who disbelieved among the People of the Book and the idolaters were not to part ways [from disbelief] until there came to them clear evidence.*"<sup>4</sup> Allah Most High also said: "*Indeed, those who believe and those who are Jews, Sabians, Christians, and Magians, and those who associated partners [with Allah]. . .*"<sup>5</sup>

Likewise with regard to the "disbelieving women" with whom it is forbidden to have ties of marriage: they are polytheists only, because the verse was revealed during the events surrounding the armistice of ʿUdaybiya, and at that time the Muslims did not have wives from the People of the Book. At any rate, the most that can be said is that this verse is qualified, and thus there is no harm in [marrying a woman from the People of the Book] since there are revealed proofs in support of it.<sup>6</sup>

2. Imam Aḥmad said, in the narration of his son Ṣāliḥ:

<sup>1</sup> Qurʾān 5:5.

<sup>2</sup> Ibid 2:221.

<sup>3</sup> Ibid., 60:10.

<sup>4</sup> Ibid., 98:1.

<sup>5</sup> Ibid., 22:17.

<sup>6</sup> •Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:797

"Allah Most High says: '*And do not marry idolatresses until they believe.*'"<sup>1</sup> He also says in *sūra al-Mā'ida*, which contains the final verses revealed in the Qur'ān: '*And those chaste women from the believers and from those who were given the Scripture before you [are permitted for you to wed in marriage].*'"<sup>2</sup>

This elaborate account of Ibn al-Qayyim's stance on non-Muslims' entrance in the Sacred Mosque, attending their funerals and the issues of the meat of their slaughtered animals has aimed to promote awareness of those contemporary people who relish extremist views about non-Muslims despite their more or less identical views though. Their beliefs and ideas are not far from what Ibn Taymiyya or Ibn al-Qayyim hold. Their extremist stance not only fatally damage the teachings of interfaith harmony but also foment social and legal woes for the expatriate Muslims of European countries. It is imperative, therefore, to make our ever-changing thoughts and beliefs of the modern world compatible to the teachings of the Qur'ān and Sunna and the pious predecessors.

<sup>1</sup> Qur'ān 2:221.

<sup>2</sup> Narrated by •al-Khallāl in *Aḥkām ahl al-milal*, pp. 164–165 §467. •Ibn al-Qayyim in *Aḥkām ahl al-Dhimma*, 1:797.